

**CS FOR HOUSE BILL NO. 88(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 2/21/07**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES GATTO AND GRUENBERG, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to televisions, monitors, portable computers, and similar devices in**  
2 **motor vehicles; relating to the definition of physical injury for the Alaska Uniform**  
3 **Vehicle Code; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 28.35 is amended by adding a new section to read:

6 **Sec. 28.35.161. Driving a motor vehicle with a screen device operating;**  
7 **unlawful installation of television, monitor, or similar device.** (a) A person  
8 commits the crime of driving with a screen device operating if the person is driving a  
9 motor vehicle and

10 (1) the

11 (A) vehicle has, temporarily or permanently installed in the  
12 vehicle or using power from the vehicle, a television, video monitor, portable  
13 computer, or any other similar means capable of providing a visual display that  
14 can be viewed by a driver in a normal driving position while the vehicle is in

1 motion; and

2 (B) monitor or visual display is operating while the person is  
3 driving; or

4 (2) is watching a program or reading from the visual display on a  
5 portable cellular telephone or personal data assistant.

6 (b) A person may not install or alter equipment described in (a)(1)(A) of this  
7 section that allows the images to be viewed by the driver in a normal driving position  
8 while the vehicle is in motion.

9 (c) Subsections (a) and (b) of this section do not apply to

10 (1) portable cellular telephones or personal data assistants being used  
11 for verbal communication;

12 (2) equipment that is displaying only

13 (A) audio equipment information, functions, and controls;

14 (B) vehicle information or controls related to speed, fuel level,  
15 battery charge, and other vehicle safety or equipment information;

16 (C) navigation or global positioning;

17 (D) maps;

18 (E) visual information to

19 (i) enhance or supplement the driver's view forward,  
20 behind, or to the sides of the motor vehicle for the purpose of  
21 maneuvering the vehicle; or

22 (ii) allow the driver to monitor vehicle occupants seated  
23 behind the driver;

24 (F) vehicle dispatching and response information for motor  
25 vehicles providing emergency road service or roadside assistance;

26 (G) vehicle dispatching information for passenger transport or  
27 freight or package delivery; or

28 (H) information for use in performing highway construction,  
29 maintenance or repair, or data acquisition by the Department of Transportation  
30 and Public Facilities or a municipality.

31 (d) Subsections (a) and (b) of this section do not apply to devices and

1 equipment installed in an emergency vehicle. In this subsection, "emergency vehicle"  
2 means a police, fire, or emergency medical service vehicle.

3 (e) It is an affirmative defense to a prosecution under (b) of this section that  
4 the equipment installed or altered includes a device that, when the motor vehicle is  
5 being driven, disables the equipment for all uses except those described in (c) of this  
6 section.

7 (f) A person who violates (a) of this section is guilty of

8 (1) a class A misdemeanor, unless any of the circumstances described  
9 in (2) - (4) of this subsection apply;

10 (2) a class C felony if the person's driving causes physical injury to  
11 another person;

12 (3) a class B felony if the person's driving causes serious physical  
13 injury to another person;

14 (4) a class A felony if the person's driving causes the death of another  
15 person.

16 (g) A person who violates (b) of this section is guilty of a class A  
17 misdemeanor.

18 \* **Sec. 2.** AS 28.90.990(a) is amended by adding a new paragraph to read:

19 (29) "physical injury" has the meaning given in AS 11.81.900.

20 \* **Sec. 3.** This Act takes effect September 1, 2007.